

AMARIN PHARMA, INC, et al.,)	Case No. 2:16-cv-02525-MMD-NJK
Plaintiff(s),)	ORDER
v.)	(Docket No. 95)
WEST-WARD PHARMACEUTICALS CORP.,)	
et al.,)	
Defendant(s).)	

Defendant Teva submits that the settlement conference should be vacated because: (1) attempts at settlement on the same patents in a prior litigation have been unsuccessful, decreasing the likelihood of success at settlement in this litigation and (2) it would be inconvenient for Defendant to travel and attend the settlement conference, especially given the low likelihood of success at settlement. Docket No. 95 at 2.

1 In response, Plaintiff Amarin submits that the parties have not completed their claim construction
2 briefs. Docket No. 99 at 2. Plaintiff Amarin also submits that if all the parties cannot attend the
3 settlement conference in person, that the settlement conference should be vacated and scheduled after
4 an order has been issued on the claim construction. *Id.* Additionally, Defendant West-Ward submits
5 that it does not oppose vacating the settlement conference and rescheduling it after an order has been
6 issued on the claim construction, nor does it oppose proceeding with the settlement conference without
7 all parties present. Docket No. 100 at 2. Further, Defendant Dr. Reddy submits that it does not oppose
8 vacating the settlement conference and rescheduling it after an order has been issued on the claim
9 construction. Docket No. 101 at 2. In reply, Teva notes that no party has objected to postponing the
10 currently-scheduled settlement conference. Docket No. 104 at 2. Teva reiterates its position that the
11 settlement conference will be more productive after the Court has issued a claim construction ruling.
12 *Id.*

13 Accordingly, for good cause shown, the Court **GRANTS** Defendant Teva's motion. Docket No.
14 95. The Court hereby **VACATES** the settlement conference on January 8, 2018. Docket No. 92. The
15 Court will set a post-claim construction settlement conference after a claim construction order has been
16 issued.

17 IT IS SO ORDERED.

18 DATED: December 18, 2017

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21 NANCY J. KOPPE
22 United States Magistrate Judge
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